

### **REMARKS**

Claims 95, 96, 99-101 and 103-127 are pending in this application. Claims 106-118 are withdrawn from consideration.

Claims 103 and 121 have been amended to add "for the stimulation or prevention of desired cell proliferation". The amended claims are fully supported by the specification (e.g. page 2, lines 19-21 and page 12, lines 14-19) and original claims.

Claims 124 and 125 have been newly added. The claims are fully supported by the specification (e.g. page 2, lines 19-21 and page 12, lines 14-19) and original claims.

Claims 126 and 127 have been newly added. The claims are fully supported by the specification (e.g. page 3, lines 13-15 and page 15, lines 7-11) and original claims.

No new matter has been introduced. Applicant respectfully requests reconsideration in view of the following remarks. The Examiner's rejections and comments are addressed below in the order they were raised in the Office Action.

### **DETAILED ACTION**

1-2. Applicant notes with appreciation that the amendment and RCE filed 30 October 2007 has been entered.

#### **Election/Restrictions**

3-4. Applicant requests that withdrawn method claims 106-118 be rejoined. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. MPEP 821.04; In re Ochiai, 71 F. 3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995). Claims 106-118 depend from allowed claim 95.

#### **Withdrawn Rejections and Objections**

5. Applicant notes with appreciation that rejections and objections of the previous Office Action, labeled A-E in this Office Action, have been withdrawn.

Rejections of Claim 119 under 35 USC § 112, Second Paragraph

6. The Examiner has rejected claims 103 and 121 for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contends that it is unclear what the polypeptide is to be therapeutic for. Applicant has amended claims 103 and 121 to add "for the stimulation of desired cell proliferation". Support can be found throughout the specification (e.g. page 2, lines 19-21 and page 12, lines 14-19). Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

7. The Examiner has rejected claims 105 and 123 for allegedly failing to comply with the written description requirement. The Examiner contends that the specification fails to describe what the structure of a substance that blocks the binding of PTN to ALK is. Applicant respectfully disagrees. Example 4 of the instant application shows a number of substances that block the binding of PTN to ALK. Specifically, anti-PTN and anti-ALK ECD antibodies, recombinant ALK ECD protein and unlabeled PTN all inhibited the interaction. Support can be found throughout the specification (e.g. page 22, lines 7-9 and Figure 3a). Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Please charge any further fees or credit any overpayments to our Deposit Account No. 18-1945 from which the undersigned is authorized to draw, under order no. GUH-025-101.

Dated: June 2, 2008

Respectfully submitted,

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